

Senate Bill No. 1262

CHAPTER 350

An act to amend Section 13007 of the Fish and Game Code, relating to sport fishing.

[Approved by Governor September 26, 2008. Filed with
Secretary of State September 26, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1262, Cogdill. Sport fishing: fish hatcheries: trout.

Existing law requires 33 1/3% of the fees derived from the issuance of sport fishing licenses, with certain exceptions, to be deposited into the Hatchery and Inland Fisheries Fund within the State Treasury. Moneys in the fund may be expended, upon appropriation, in support of Department of Fish and Game programs related to the management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout Program, enforcement activities, and other activities eligible to be funded from revenue generated by sport fishing license fees.

Existing law also requires the sport fishing license fees subject to appropriation to be used, among other things, to attain state fish hatchery production goals relating to the release of trout, measured in pounds of released trout per sport fishing license. Existing law requires the department, by July 1, 2011, and according to a specified schedule, to ensure that 25% of the fish produced by state fish hatcheries are used for the purpose of initiating and managing the restoration of naturally indigenous stocks of trout to their original California source watersheds. Existing law requires the department to report to the Legislature on the implementation of these provisions on an annual basis.

This bill would require, instead, that the department, by January 1, 2012, ensure that the numbers of native California trout, as defined, produced are sufficient to equal or exceed 25% of the numbers of trout produced by the state fish hatcheries to comply with those existing goals for pounds of released trout. The bill would require that native trout produced be naturally indigenous stocks from their original source watersheds, but would authorize the release of native trout into watersheds other than their original source watershed if the released trout will cause no harm to other native trout in their original watersheds. The bill would exclude certain fish produced for mitigation purposes from the computation of the restoration goals.

The people of the State of California do enact as follows:

SECTION 1. Section 13007 of the Fish and Game Code is amended to read:

13007. (a) Notwithstanding Section 13001 and paragraph (1) of subdivision (a) of Section 13005, commencing July 1, 2006, 33 ⅓ percent of all sport fishing license fees collected pursuant to Article 3 (commencing with Section 7145) of Chapter 1 of Part 2 of Division 6, except license fees collected pursuant to Section 7149.8, shall be deposited into the Hatchery and Inland Fisheries Fund, which is hereby established in the State Treasury. Moneys in the fund may be expended, upon appropriation by the Legislature, to support programs of the Department of Fish and Game related to the management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout Program, and enforcement activities related thereto, and to support other activities eligible to be funded from revenue generated by sport fishing license fees.

(b) The sport fishing license fees collected and subject to appropriation pursuant to subdivision (a) shall be used for the following purposes:

(1) For the department's attainment of the following production goals for state hatcheries, based on the sales of the following types of sport fishing licenses: resident; lifetime; nonresident year; nonresident, 10-day; 2-day; 1-day; and reduced fee.

(A) By July 1, 2007, a minimum of 2.25 pounds of released trout per sport fishing license sold in 2006, 1.75 pounds of which must be of catchable size or larger.

(B) By July 1, 2008, a minimum of 2.5 pounds of released trout per sport fishing license sold in 2007, 2.0 pounds of which must be of catchable size or larger.

(C) By July 1, 2009, and thereafter, a minimum of 2.75 pounds of released trout per sport fishing license sold in 2008, 2.25 pounds of which must be of catchable size or larger.

(D) The department shall attain these goals in compliance with Fish and Game Commission trout policies concerning catchable-sized trout stocking.

(2) To the Heritage and Wild Trout Program, two million dollars (\$2,000,000), which shall be used for permanent positions and seasonal aides in each region of the state as necessary, and other activities necessary to the program.

(A) The funds allocated pursuant to this paragraph shall be used to fund seven new positions for the Heritage and Wild Trout Program.

(B) In addition to the seven new positions specified in subparagraph (A), the department may hire seasonal aides in each region of the state to assist with the operations of the Heritage and Wild Trout Program.

(3) The department shall, by January 1, 2012, ensure that the numbers of native California trout, as defined in Section 7261, produced are sufficient to equal or exceed 25 percent of the numbers of trout produced by the state fish hatcheries to comply with paragraph (1). The native trout produced in accordance with this paragraph shall support department efforts to protect

and restore cold water ecosystems, maintain biological diversity, and provide diverse angling opportunities. Coastal rainbow trout/steelhead produced for anadromous mitigation purposes shall be excluded from contributing to the native trout production goals required by this paragraph. Coastal rainbow trout/steelhead propagated for purposes other than anadromous mitigation and released into their source watersheds may be counted toward the 25 percent native trout production goal. Native trout produced shall be naturally indigenous stocks from their original source watersheds. Native trout produced may be released into watersheds other than their original source watershed only if the released trout will cause no harm to other native trout in their original watersheds. The department shall attain the 25 percent production goal according to the following schedule:

(A) By January 1, 2010, 15 percent and at least four species.

(B) By January 1, 2011, 20 percent and at least four species.

(C) By January 1, 2012, 25 percent and at least five species.

(4) The department may hire additional staff for state fish hatcheries, in order to comply with this subdivision.

(c) The department may allocate any funds under this section, not necessary to maintain the minimums specified in paragraphs (1) and (3) of subdivision (b), and after the expenditure in paragraph (2) of subdivision (b), to the Fish and Game Preservation Fund.

(d) The department may utilize federal funds to meet the funding formula specified in subdivision (a) if those funds are otherwise legally available for this purpose.

(e) A portion of the moneys subject to appropriation pursuant to subdivision (a) may be used for the purpose of obtaining scientifically valid genetic determinations of California native trout stocks, consistent with Theme 1 in the executive summary of the department's Strategic Plan for Trout Management, published November 2003.

(f) The department, by July 1, 2008, and annually thereafter, shall report to the fiscal and policy committees in the Legislature on the implementation of these provisions.